

From: mfmallah87@icloud.com  
Subject: Formal Preservation of Evidence Notice – Pending Federal Litigation  
(Butler v. New American Funding)  
Date: Apr 17, 2025 at 6:06:24 AM  
To: Amy Dale Amy.Dale@nafinc.com  
Cc: legal@nafinc.com, compliance@nafinc.com,  
sean.wainwright@nafinc.com, jason.miller@nafinc.com  
Bcc: Petie mfmallah87@icloud.com, consumercomplaints@hud.gov,  
complaints@consumerfinance.gov

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Dear Ms. Dale and New American Funding,

This email serves as a formal preservation of evidence notice in relation to pending federal litigation against New American Funding, concerning the mishandling of an FHA-backed refinance application involving borrower Maryann Butler, for whom I, Audury “Petie” Davis, serve as the authorized representative.

You previously received a detailed good faith communication identifying regulatory violations, timeline inconsistencies, and factual misrepresentations submitted by your office to the CFPB. That message was ignored.

In accordance with Federal Rule of Civil Procedure 37(e), I am hereby placing your organization on notice of its obligation to preserve any and all evidence relevant to this matter, including but not limited to:

- All voicemail recordings, emails, call logs, internal memos, or communications involving Loan Officer Sean Wainwright, Amy Dale, Jason D. Miller, and/or compliance personnel
- The original voicemail message left by Sean Wainwright on March 12, 2025, in which he:

- Identifies himself by name
- Confirms his role with New American Funding
- Explicitly states he is speaking on a recorded corporate line
- Accepts responsibility for the delay
- Confirms that employment verification had been received
- And refers to me directly by name (“Petie”)
- 
- All communications sent to or received from the CFPB, HUD, or any third-party regarding this loan file or borrower
- Any internal documentation used to justify your response submitted to the CFPB in which you falsely alleged impersonation or unauthorized access

Plaintiff’s formal Complaint and Motion to Expedite Discovery are prepared and pending docket entry with the U.S. District Court. This notice is submitted in good faith and with the expectation that your company will fully preserve all relevant communications and documents without alteration or deletion.

Failure to do so may result in motions for sanctions, adverse inference, or evidentiary preclusion.

Respectfully,

Audury “Petie” Davis

Authorized Representative for Plaintiff Maryann Butler

MFMALLAH87@iCloud.com

(717) 424-8220

Date: April 17, 2025

From: Mail Delivery System mailer-daemon@icloud.com  
Subject: Undelivered Mail Returned to Sender  
Date: Apr 17, 2025 at 6:06:32 AM  
To: mfmallah87@icloud.com

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This is a system-generated message to inform you that your email could not be delivered to one or more recipients. Details of the email and the error are as follows:

<sean.wainwright@nafinc.com>: host

nafinc-com.mail.protection.outlook.com[52.101.8.46] said: 550 5.4.1

Recipient address rejected: Access denied. For more information see

<https://aka.ms/EXOSmtpErrors>

[MN1PEPF0000ECD5.namprd02.prod.outlook.com

2025-04-17T10:06:24.770Z 08DD7D7D7FCE9303] (in reply to RCPT TO command)

<consumercomplaints@hud.gov>: host

hud-gov.mail.protection.outlook.com[52.101.8.52] said: 550 5.4.1 Recipient

address rejected: Access denied. For more information see

<https://aka.ms/EXOSmtpErrors> [DS4PEPF00000172.namprd09.prod.outlook.com

2025-04-17T10:06:24.899Z 08DD7CB4E0B50F67] (in reply to RCPT TO command)

<complaints@consumerfinance.gov>: host

consumerfinance-gov.mail.protection.outlook.com[52.101.8.50] said: 550

5.4.1 Recipient address rejected: Access denied. For more information see

<https://aka.ms/EXOSmtpErrors> [DS4PEPF0000016F.namprd09.prod.outlook.com

2025-04-17T10:06:25.165Z 08DD7CFE37663FE5] (in reply to RCPT TO command)



**Delivery report**

1 KB

Return-Path: DKIM-Signature: v=1;

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 outbound.qs.icloud.com (localhost [127.0.0.1]) by outbound.qs.icloud.com  
 (Postfix) with ESMTPS id E0041180014E; Thu, 17 Apr 2025 10:06:23 +0000 (UTC)  
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 [17.57.155.37]) by outbound.qs.icloud.com (Postfix) with ESMTPSA id  
 899BF1800E26; Thu, 17 Apr 2025 10:06:23 +0000 (UTC) Content-Type:  
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 C86E-4C50-83F4-7C2FC8AEABD4 Content-Transfer-Encoding: 7bit From:  
 mfmallah87@icloud.com Mime-Version: 1.0 (1.0) Subject: =?utf-8?Q?  
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 ng\_Federal\_Litigation\_=28Butler\_v.\_New\_American\_Funding=29?= =?utf-8?Q?\_  
 = Date: Thu, 17 Apr 2025 06:06:12 -0400 Message-Id: Cc: legal@nafinc.com,  
 compliance@nafinc.com, sean.wainwright@nafinc.com, jason.miller@nafinc.com  
 To: Amy Dale X-Mailer: iPhone Mail (22D82)